

UNITED STATES DISTRICT COURT
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking
Clerk

General Court Number
415.522.2000

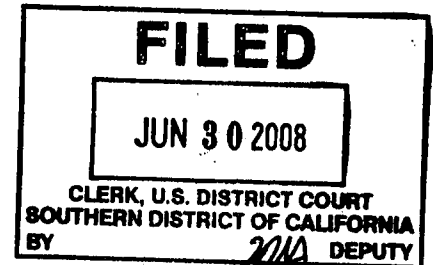
June 27, 2008

United States District Court
Office of the Clerk
880 Front St. #4290
San Diego CA 92101

Case Number: CR02-114 PJH

08CR 7033-IEG

Case Title: United States -v- Mark K. Whitney



Dear Clerk:

Pursuant to order transferring the jurisdiction of probation in the above-captioned case, transmitted herewith are certified copies of:

1. Indictment/Information
2. Transferral Order
3. Judgment
4. ~~Probation Transfer~~ Docket sheet

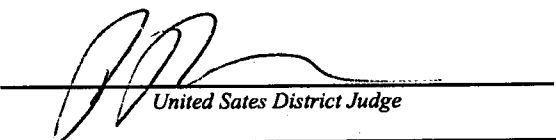
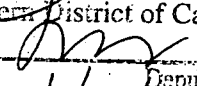
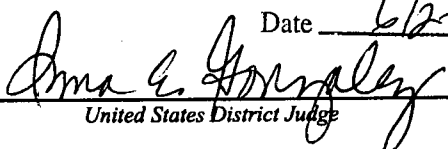
Please acknowledge receipt of the above document on the copy of this form.

Very truly yours,

RICHARD W. WIEKING, Clerk

by: Lori Murray
Deputy Clerk

(enclosures)

PROB 22 (Rev. 2/88)		DOCKET NUMBER (Tran. Court) 0971/03:02cr00114-1 PJH DOCKET NUMBER (Rec. Court) 08CR 7033-IEG	
TRANSFER OF JURISDICTION			
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE Mark K. Whitney 4381 Summitt Drive La Mesa, CA 91941	DISTRICT ND/CA	DIVISION	
	NAME OF SENTENCING JUDGE Phyllis J. Hamilton		
	DATES OF PROBATION/ SUPERVISED RELEASE	FROM 12/13/2007	TO 12/12/2010
OFFENSE Maintaining a Place for Manufacturing Marijuana 21 USC 856(a)(1)		ORIGINAL FILED JUN 25 2008	
PART 1 - ORDER TRANSFERRING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA			
<p>IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3605, the jurisdiction of the probationer or supervised releasee named above be transferred with the records of this Court to the United States District Court for the <u>Southern District of California</u> upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this court.*</p>			
<u>05/30/08</u> Date		 United States District Judge	
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE <u>Southern District of California</u>			
<p>IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order on file in my office.</p>			
I hereby certify that the annexed probationer/supervised releasee is a true and correct copy of this order on file in my office. ATTEST: RICHARD W. WIEKING Clerk, U.S. District Court Northern District of California By  Deputy Clerk Date <u>6/27/08</u>			
<u>6/17/08</u> Effective Date		 United States District Judge	

AO 245B (Rev. 9/00) - Judgment in a Criminal Case

Date of Original Judgment: May 28, 2003

(Or Date of Last Amended Judgment)

FILED**Reason for Amendment:**

DEC 01 2006

- ☐ Correction of Sentence on Remand (18 U.S.C. § 3742(f)(1) and (2))
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
☐ Modification of Supervision Conditions (18 U.S.C. § 3563(c) or 3583(e))

- ☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3553(b))
☐ Direct Motion to District Court Pursuant to [] 18 U.S.C. § 3559(c)(7)
☐ Modification of Restitution Order (18 U.S.C. § 3664)
☒ Remanded for re-sentencing in light of Booker

United States District Court

Northern District of California**UNITED STATES OF AMERICA**

v.

MARK K. WHITNEY**AMENDED JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: CR02-0114 PJH

Richard Tamor
Defendant's Attorney**THE DEFENDANT:**

- ☒ pleaded guilty to count(s): 1 of the Superseding Information.
☐ pleaded nolo contendere to count(s) ___ which was accepted by the court.
☐ was found guilty on count(s) ___ after a plea of not guilty.

ENTERED IN CRIMINAL DOCKET 12/5/02

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 U.S.C. § 856(a)(1)	Maintaining a Place for Manufacturing Marijuana	6/2001 and 3/28/2002	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) ____.
- ☐ Count(s) ____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

November 29, 2006

Date of Imposition of Judgment

Signature of Judicial Officer

Honorable Phyllis J. Hamilton, U. S. District Judge

Name & Title of Judicial Officer

Date

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
 ATTEST:

RICHARD W. WIEKING
 Clerk, U.S. District Court
 Northern District of California

By [Signature]
 Date 6/27/08
 Deputy Clerk

AO 245B (Rev. 9/00) - Imprisonment

DEFENDANT: MARK K. WHITNEY
CASE NUMBER: CR02-0114 PJH

Judgment - Page 2 of 7

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 12 months and 1 day.

☒ The Court makes the following recommendations to the Bureau of Prisons:
Defendant to be housed at Lompoc Prison Camp if eligible for placement and if not at closest minimum security camp to facilitate family visits.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.

☐ at on.

☐ as notified by the United States Marshal.

OR

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons otherwise to the U.S. Marshal:

☒ by Noon (12:00 p.m.) on 1/31/07.

☐ as notified by the United States Marshal.

☒ as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

AO-245B (Rev. 9/00) Sheet 3 - Supervised Release

DEFENDANT: MARK K. WHITNEY
CASE NUMBER: CR02-0114 PJH

Judgment - Page 3 of 7

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 36 months.

While on Supervised Release you shall not commit another federal, state or local crime and shall not illegally possess a controlled substance. Revocation of supervised release is mandatory for possession of a controlled substance.

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- ☐ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

Revocation of supervised release is mandatory for refusal to comply with drug testing imposed as a condition of supervision. 18 U.S.C. Sections 3565(b)(3) and 3583 (g)(3)

You shall pay the assessment imposed in accordance with 18 U.S.C. Section 3013, and shall immediately notify the probation officer of any change in your economic circumstances that might affect your ability to pay a special assessment, fine, restitution, or co-payments ordered by the Court.

If the judgment imposed a fine or a restitution obligation, it shall be a condition of supervision that you pay any such fine or restitution that remains unpaid at the commencement of the term of supervision in accordance with any Schedule of Payments set forth in the Criminal Monetary Penalties sheet of the judgment. In any case, the defendant shall cooperate with the probation officer in meeting any financial obligations

DEFENDANT: MARK K. WHITNEY
CASE NUMBER: CR02-0114 PJH

Judgment - Page 4 of 7

STANDARD CONDITIONS OF SUPERVISION

It is the order of the Court that the defendant shall comply with the following standard conditions:

- 1) The defendant shall not leave the judicial district or other specified geographical area without permission of the Court or the probation officer;
- 2) The defendant shall report to the probation officer as directed by the Court or the probation officer, and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependants and meet other family responsibilities, including but not limited to, compliance with the terms of any court order or administrative process pursuant to the laws of a state, the District of Columbia, or any other possession or territory of the United States, requiring payments by the defendant for the support and maintenance of any child or of a child and the parent with whom the child is living;
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer at least ten (10) days prior to any change in residence or employment;
- 7) The defendant shall consume no alcohol if sentenced to the special condition that the defendant is to participate in a drug/alcohol program;
- 8) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician;
- 9) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) The defendant shall permit a probation officer to visit the defendant at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) The defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;
- 13) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court;
- 14) The defendant shall notify third parties of risks related to the defendant's criminal record, personal history, or characteristics, and shall permit the probation officer to make such notifications and/or confirm the defendant compliance with this notification requirement

AO 245B (Rev. 9/00) Sheet 3 - Supervised Release

DEFENDANT: MARK K. WHITNEY
CASE NUMBER: CR02-0114 PJH

Judgment - Page 5 of 7

SPECIAL CONDITIONS OF SUPERVISION

- 1) The defendant shall pay any fine, restitution, and special assessment that is imposed by this judgment.
- 2) The defendant shall participate in a drug/alcohol aftercare treatment program, which may include testing to determine whether s/he has reverted to the use of drugs or alcohol, as directed by the probation officer. The defendant is to pay part or all of the cost of this treatment, at an amount not to exceed sixty dollars (\$60.00) per session, as deemed appropriate by the probation officer. Payments shall never exceed the total cost of urinalysis and counseling. The actual co-payment schedule shall be determined by the probation officer.
- 3) The defendant shall participate in a mental health treatment program, as directed by the probation officer. The defendant is to pay part or all costs of this treatment, at an amount not to exceed sixty dollars (\$60.00) per session, as deemed appropriate by the probation officer. Payments shall never exceed the total cost of mental health counseling. The actual co-payment schedule shall be determined by the probation officer.
- 4) The defendant shall submit his/her person, residence, office, vehicle, or any property under his/her control to a search. Such a search shall be conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to such a search may be grounds for revocation. The defendant shall warn any residents that the premises may be subject to searches.

AO 245B (Rev. 9/00) -Criminal Monetary Penalties

DEFENDANT: MARK K. WHITNEY
CASE NUMBER: CR02-0114 PJH

Judgment - Page 6 of 7

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments directly following the Monetary Penalties section.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 100.00	\$ 0.00	\$ 0.00

☐ The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
<u>Totals:</u>	\$ _	\$ _	

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ _

☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 9/00) -Criminal Monetary Penalties

DEFENDANT: MARK K. WHITNEY
CASE NUMBER: CR02-0114 PJH

Judgment - Page 7 of 7

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$100.00 due immediately, balance due
☐ not later than ____, or
☐ in accordance with () C, () D, or () E below; or
- B ☐ Payment to begin immediately (may be combined with () C, () D, or () E below); or
- C ☐ Payment in ____ (e.g. equal, weekly, monthly, quarterly) installments of \$ _ over a period of ____ (e.g., months or year(s)), to commence _ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in ____ (e.g. equal, weekly, monthly, quarterly) installments of \$ _ over a period of ____ (e.g., months or year(s)), to commence _ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number
(including Defendant
Number)

Defendant Name

Joint and Several
Amount

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

WHITNEY,

Defendant.

Case Number: CR02-00114 PJH

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 1, 2006, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

George L. Bevan
U.S. Attorney's Office
450 Golden Gate Avenue
P.O. Box 36055
San Francisco, CA 94102

Richard A. Tamor
Tamor & Tamor
Lake Merritt Plaza
1999 Harrison, Suite 1400
Oakland, CA 94612


Probation

U.S. Marshal (4 certified copies)

U.S. Pretrial

Finance

Dated: December 1, 2006


Richard W. Wieking, Clerk
By: Nichole Heuerman, Deputy Clerk

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ **SUPERSEDING INFORMATION** ☐ INDICTMENT ☐ SUPERSEDING

OFFENSE CHARGED

21 U.S.C. § 856(a)(1) -- Maintaining a Place for Manufacturing Marijuana.

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

20 years in prison, \$500,000 fine, 3 years supervised release, \$100 special assessment.

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

DEA

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a prosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW
DOCKET NO.

MAGISTRATE
CASE NO.

Name and Office of Person
Furnishing Information on
THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y
(if assigned)

George L. Bevan, Jr.

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

MARK K. WHITNEY

DISTRICT COURT NUMBER

CR 02-114 PJH

DEFENDANT**IS NOT IN CUSTODY**

1) ☒ Has not been arrested, pending outcome this proceeding.
If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
been filed?

☐ Yes
☐ No

If "Yes"
give date
filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED
TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

RICHARD W. WIEKING
Clerk, U.S. District Court
Northern District of California

Date/Time: _____

Before Judge: _____

Comments:

By

Deputy Clerk

Date

6/27/08

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney

FILED
C2 OCT 29 PM 1:42
RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

3
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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 MARK K. WHITNEY,

16
17 Defendant.

No. CR-02-114-PJH

VIOLATION: 21 U.S.C.
§ 856(a)(1) -- Maintaining a Place for
Manufacturing Marijuana.

SAN FRANCISCO VENUE

18
19
20 SUPERSEDING INFORMATION

21 The United States Attorney charges:

22 In or about and between June 2001 and March 28, 2002, in the Northern District of
23 California, the defendant

24 MARK K. WHITNEY

25 did knowingly maintain a place, to wit, 1090 Jennings Avenue, Santa Rosa, California,
26 for the purpose of manufacturing (cultivating) marijuana, a Schedule I controlled

27 //

28 //


INFORMATION

187

1 substance, in violation of Title 21, United States Code, Section 856(a)(1).

2
3 KEVIN V. RYAN
4 United States Attorney

5 Dated: 10-29-02

6 
7 CHARLES B. BURCH
8 Chief, Criminal Division

9
10 (Approved as to form: 
11 AUSA GLBEVANJR.

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INFORMATION

CLOSED, ICMS

**U.S. District Court
California Northern District (San Francisco)
CRIMINAL DOCKET FOR CASE #: 3:02-cr-00114-PJH All Defendants
Internal Use Only**

Case title: USA v. Whitney
Magistrate judge case number: 3:02-mj-30086

Date Filed: 04/18/2002
Date Terminated: 05/28/2003

Assigned to: Judge Phyllis J. Hamilton

Defendant (1)

Mark K. Whitney
TERMINATED: 05/28/2003

represented by **Brian P. Berson**
Law Offices of Brian Berson
235 Montgomery Street
Suite 625
San Francisco, CA 94104
415-788-2707
Email: brianberson@yahoo.com
TERMINATED: 05/28/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Richard Alan Tamor
Law Offices of Tamor & Tamor
1901 Harrison, 9th Floor
Oakland, CA 94612
510-874-4170
Fax: 510-874-4174
Email: rtamor@TamorLaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Steve Gary Kalar
Federal Public Defender's Office
450 Golden Gate Avenue
19th floor
San Francisco, CA 94102
(415) 436-7711
Fax: 415-436-7706
Email: Steven_Kalar@fd.org
TERMINATED: 05/28/2003

I hereby certify that the annexed
instrument is a true and correct copy
of the original on file in my office.
ATTEST:

RICHARD W. WIEKING
Clerk, U.S. District Court
Northern District of California

By  Deputy Clerk

Date

6/27/08

LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
 Community Defender Appointment*

Pending Counts

21:856(a)(1) Maintaining a place for
 manufacturing marijuana.
 (1s)

Disposition

Resentencing held: Committed to BOP
 custody 12 months and 1 day, 3 yrs
 supervised release with conditions.
 Special assessment \$100.00

Highest Offense Level (Opening)

Felony

Terminated Counts

21:841(a)(1) Manufacture (cultivation)
 of marijuana.
 (1)

Disposition

sentenced on superseding charge

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **George L. Bevan, Jr.**
 United States Attorney's Office
 Oakland
 1301 Clay Street, Suite 340S
 Oakland, CA 94612
 510-637-3689
 Fax: 510-637-3679
 Email: george.bevan@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/29/2002	1	COMPLAINT Mark K. Whitney (1) count(s) cmp Magistrate Judge Joseph C. Spero [3:02-m -30086] (lsk, COURT STAFF) (Entered: 03/29/2002)
03/29/2002	2	MINUTES: filed on 3/29/2 before Magistrate Judge Joseph C. Spero; first appearance of Mark K. Whitney, Attorney present; preliminary exam set for

		9:30 4/2/02 for Mark K. Whitney before Magistrate Judge James Larson (Tape No.: 02-25) [3:02-m -30086] (lsk, COURT STAFF) (Entered: 03/29/2002)
03/29/2002	3	Unsecured \$100,000.00 Bond by Mark K. Whitney by Magistrate Judge Joseph C. Spero [3:02-m -30086] (lsk, COURT STAFF) (Entered: 04/01/2002)
04/04/2002	4	MINUTES: filed on 4/4/2 before Magistrate Judge James Larson I.D. of counsel set for 9:30 4/5/02 for Mark K. Whitney before Magistrate Judge James Larson (Tape No.: 02-10) [3:02-m -30086] (lsk, COURT STAFF) (Entered: 04/05/2002)
04/05/2002	5	MINUTES: filed on 4/5/2 before Magistrate Judge James Larson arraignment will be held at 9:30 4/18/02 for Mark K. Whitney before Magistrate Judge James Larson (Tape No.: 02-11) [3:02-m -30086] (lsk, COURT STAFF) (Entered: 04/09/2002)
04/15/2002	9	CJA Form 20 Copy 4 (Appointment of Counsel) by Magistrate Judge James Larson for Mark K. Whitney appointing Brian Berson. Attorney appointed on 4/1/2. (lsk, COURT STAFF) (Entered: 04/23/2002)
04/18/2002	6	INDICTMENT by AUSA George L. Bevan Jr.. Counts filed against Mark K. Whitney (1) count(s) 1 (rl, COURT STAFF) (Entered: 04/18/2002)
04/18/2002	7	MINUTES: filed on 4/18/2 before Mag. Judge Larson; dft Mark K. Whitney arraigned; not guilty plea entered; Attorney Brian P. Berson present; in-court hearing will be held at 9:30 4/22/02 for Mark K. Whitney before Mag. Judge Larson; Trial setting hearing will be held at 1:30 4/24/02 for Mark K. Whitney before Judge Hamilton (Tape No.: 02-16) (lsk, COURT STAFF) Modified on 04/22/2002 (Entered: 04/22/2002)
04/22/2002	8	MINUTES: filed on 4/22/2 before Magistrate Judge James Larson; Trial setting hearing will be held at 1:30 4/24/02 for Mark K. Whitney before Judge Phyllis J. Hamilton. Drug testing will not be added as condition (Tape No.: 02-16) (lsk, COURT STAFF) (Entered: 04/23/2002)
04/24/2002	10	MINUTES: (filed on 4/24/02) Hearing held before Judge Phyllis J. Hamilton. Hearing for change of plea or setting of motions and trial date will be held at 1:30 p.m. on 5/15/02 for Mark K. Whitney, before Judge Phyllis J. Hamilton. (C/R: Peppina Thompson) (rl, COURT STAFF) (Entered: 04/25/2002)
05/10/2002	11	STIPULATION and ORDER by Magistrate Judge James Larson :for travel to Palm Desert CA from to as to defendant Mark K. Whitney (lsk, COURT STAFF) (Entered: 05/15/2002)
05/15/2002	12	MINUTES: filed on 5/15/02 before Judge Phyllis J. Hamilton ; pre-trial motions due by 7/17/02, opposition due 7/31/02, reply due 8/7/02 and pending motions will be heard by 1:30 8/14/02 as to Mark K. Whitney , to exclude time to 7/17/02 from Speedy Trial Act calculations as to Mark K. Whitney (C/R: Diane Skillman) (rhw, COURT STAFF) (Entered: 05/17/2002)

07/19/2002	13	STIPULATION and ORDER by Judge Phyllis J. Hamilton all pending motions will be heard by 1:30 9/18/02 for Mark K. Whitney ; pre-trial motions due by 8/14/02 for Mark K. Whitney ; before Judge Phyllis J. Hamilton (lsk, COURT STAFF) (Entered: 07/22/2002)
08/14/2002	14	NOTICE AND MOTION before Judge Phyllis J. Hamilton to suppress evidence and statements by Mark K. Whitney (rhw, COURT STAFF) (Entered: 08/15/2002)
08/14/2002	15	MEMORANDUM by Mark K. Whitney in support of motion to suppress evidence and statements by Mark K. Whitney [14-1] (rhw, COURT STAFF) (Entered: 08/15/2002)
09/13/2002	16	STIPULATION and ORDER by Judge Phyllis J. Hamilton all pending motions will be heard by 1:30 10/9/02 for Mark K. Whitney ; before Judge Phyllis J. Hamilton (lsk, COURT STAFF) (Entered: 09/18/2002)
10/09/2002	17	STIPULATION and ORDER by Judge Phyllis J. Hamilton all pending motions will be heard by 1:30 10/30/02 for Mark K. Whitney before Judge Phyllis J. Hamilton (lsk, COURT STAFF) (Entered: 10/15/2002)
10/29/2002	18	SUPERSEDING Information naming Mark K. Whitney Mark K. Whitney (1) count(s) 1s (rl, COURT STAFF) (Entered: 10/30/2002)
10/30/2002	19	MINUTES: filed on Oct. 30, 2002 before Judge Phyllis J. Hamilton; Mark K. Whitney enters guilty plea; Mark K. Whitney (1) count(s) 1s , sentencing hearing will be held at 2:30 2/5/03 for Mark K. Whitney before Judge Phyllis J. Hamilton (C/R: Sahar McVickar) (lsk, COURT STAFF) (Entered: 11/05/2002)
10/30/2002	20	WAIVER of INDICTMENT by defendant Mark K. Whitney (lsk, COURT STAFF) (Entered: 11/05/2002)
10/30/2002	21	PLEA Agreement as to Mark K. Whitney (lsk, COURT STAFF) (Entered: 11/05/2002)
01/06/2003	22	STIPULATION and ORDER, by Judge Phyllis J. Hamilton, continuing sentencing hearing from 2/5/03 to 2:30 p.m. on 3/19/03 for Mark K. Whitney, before Judge Phyllis J. Hamilton. (rl, COURT STAFF) (Entered: 01/07/2003)
03/04/2003	23	STIPULATION and ORDER by Judge Phyllis J. Hamilton sentencing hearing will be held at 5/28/03 for Mark K. Whitney before Judge Phyllis J. Hamilton (lsk, COURT STAFF) (Entered: 03/06/2003)
05/21/2003	24	SENTENCING memorandum filed by Mark K. Whitney (lsk, COURT STAFF) (Entered: 05/22/2003)
05/28/2003	25	OPPOSITION by Plaintiff USA to defendant's grounds for downward departure as to defendant Mark K. Whitney (lsk, COURT STAFF) (Entered: 05/28/2003)
05/28/2003	26	MINUTES: filed on May 28, 2003 before Judge Phyllis J. Hamilton; sentencing Mark K. Whitney (1) count(s) 1s. Custody BOP 12 months;

		supervised release 36 months. SAF \$100.00 due immediately , dismissing counts Mark K. Whitney (1) count(s) 1 sentenced on superseding charge , terminating case , ordered to voluntary surrender on July 30, 2003 noon. Deft motion for downward departure denied; govt sealed motion fof downward departure granted (C/R: Sahar Mcvickars) (lsk, COURT STAFF) (Entered: 05/29/2003)
05/28/2003	28	SEALED document as to defendant Mark K. Whitney (lsk, COURT STAFF) (Entered: 06/04/2003)
05/28/2003	29	SEALED document as to defendant Mark K. Whitney (lsk, COURT STAFF) (Entered: 06/04/2003)
05/30/2003	27	JUDGMENT and Commitment issued as to Mark K. Whitney , Mark K. Whitney (1) count(s) 1s Judge Phyllis J. Hamilton (cc: all counsel) (Date Entered: June 2, 2003) (lsk, COURT STAFF) (Entered: 06/02/2003)
06/09/2003	30	NOTICE OF APPEAL by defendant Mark K. Whitney from Dist. Court decision judgment [27-1] as to defendant Mark K. Whitney Fee status CJA (scu, COURT STAFF) (Entered: 06/12/2003)
06/12/2003	31	Order for time schedule as to Mark K. Whitney (scu, COURT STAFF) (Entered: 06/12/2003)
06/12/2003		Docket fee notification form and case information sheet to USCA [30-1] as to defendant Mark K. Whitney (scu, COURT STAFF) (Entered: 06/12/2003)
06/12/2003		Copy of notice of appeal and docket sheet to all counsel as to defendant Mark K. Whitney (scu, COURT STAFF) (Entered: 06/12/2003)
06/24/2003		NOTIFICATION by Circuit Court of Appellate Docket Number 03-10317 as to defendant Mark K. Whitney (lsk, COURT STAFF) (Entered: 06/25/2003)
06/25/2003	32	TRANSCRIPT DESIGNATION and Ordering Form filed by defendant Mark K. Whitney for dates 5/28/03 ; C/R: S. Mcvickar; as to defendant Mark K. Whitney (lsk, COURT STAFF) (Entered: 06/27/2003)
07/16/2003	33	Unopposed MOTION before Judge Phyllis J. Hamilton by defendant Mark K. Whitney to vacate surrender date and allow continued release pending appeal (scu, COURT STAFF) (Entered: 07/21/2003)
07/16/2003	34	DECLARATION by counsel on behalf of defendant Mark K. Whitney (scu, COURT STAFF) (Entered: 07/21/2003)
07/17/2003	35	ORDER by Judge Phyllis J. Hamilton granting motion to vacate surrender date and allow continued release pending appeal [33-1] ordered to voluntary surrender on 8/15/03 as to defendant Mark K. Whitney (scu, COURT STAFF) (Entered: 07/21/2003)
07/25/2003	36	STIPULATION and ORDER by Judge Phyllis J. Hamilton all pending motions will be heard by 3:00 8/7/03 for Mark K. Whitney ; before Judge Phyllis J. Hamilton , ordered to voluntary surrender on 8/21/03 (lsk, COURT STAFF) (Entered: 07/28/2003)
08/07/2003	37	MINUTES: filed on 8/7/03 before Judge Phyllis J. Hamilton ; all pending

		motions heard as to Mark K. Whitney , defendant's motion for bail/release pending appeal granted , withdrawing attorney Brian Berson (C/R: David Disbrow) (rhw, COURT STAFF) (Entered: 08/08/2003)
08/11/2003	38	Payment Record Card: Payment of special assess. in the amount of \$100.00 paid on 6/25/03 on behalf of defendant Mark K. Whitney . (lsk, COURT STAFF) (Entered: 08/11/2003)
08/12/2003	39	ORDER by Judge Phyllis J. Hamilton for release pending appeal as to defendant Mark K. Whitney (lsk, COURT STAFF) (Entered: 08/13/2003)
08/21/2003	40	NOTICE OF GENERAL APPEARANCE OF COUNSEL for Mark K. Whitney by Richard A. Tamor as to Mark K. Whitney (rhw, COURT STAFF) (Entered: 08/22/2003)
08/27/2003	41	CJA Form 20 Copy 4 (Appointment of Counsel) by Judge Phyllis J. Hamilton for Mark K. Whitney appointing Richard Tamor (lsk, COURT STAFF) (Entered: 08/28/2003)
08/27/2003	42	CJA Form 20 Copy 4 (Appointment of Counsel) by Judge Phyllis J. Hamilton for Mark K. Whitney appointing Richard Tamor. Attorney appointed on 8/13/03. (lsk, COURT STAFF) (Entered: 08/28/2003)
09/09/2003	43	REPORTER'S TRANSCRIPT; Date of proceedings: 5/28/03 (C/R: S. Mcvickar) minutes [26-6] as to defendant Mark K. Whitney (lsk, COURT STAFF) (Entered: 09/09/2003)
11/22/2005	44	ORDER Staying Drug/Alcohol Testing and Warrantless Search Requirements in Pretrial Release Conditions as to Mark K. Whitney . Signed by Judge Joseph C. Spero on 11/18/05. (vlk, COURT STAFF) (Filed on 11/22/2005) (Entered: 11/29/2005)
08/09/2006		Certified and Transmitted Record on Appeal as to Mark K. Whitney to US Court of Appeals One file and one transcript sent to USCA (lsk, COURT STAFF) (Filed on 8/9/2006) (Entered: 08/09/2006)
10/10/2006	45	JUDGMENT of USCA (certified copy) as to Mark K. Whitney Remanded (lsk, COURT STAFF) (Filed on 10/10/2006) (Entered: 10/11/2006)
10/11/2006	46	CLERKS Letter Spreading Mandate to Counsel (lsk, COURT STAFF) (Filed on 10/11/2006) (Entered: 10/11/2006)
10/27/2006	47	Receipt of file by USCA as to Mark Whitney (lsk, COURT STAFF) (Filed on 10/27/2006) (Entered: 10/27/2006)
10/31/2006	48	CLERKS NOTICE Continuance of Hearing Sentencing set for 11/29/2006 02:30 PM before Hon. Phyllis J. Hamilton. (lsk, COURT STAFF) (Filed on 10/31/2006) (Entered: 11/01/2006)
11/20/2006	49	SENTENCING MEMORANDUM by Mark K. Whitney (lsk, COURT STAFF) (Filed on 11/20/2006) (Entered: 11/27/2006)
11/21/2006	50	Sealed Document as to Mark K. Whitney (lsk, COURT STAFF) (Filed on 11/21/2006) (Entered: 11/27/2006)

11/21/2006	51	Sealed Document as to Mark K. Whitney (lsk, COURT STAFF) (Filed on 11/21/2006) (Entered: 11/27/2006)
11/22/2006	52	Sealed Document as to Mark K. Whitney (lsk, COURT STAFF) (Filed on 11/22/2006) (Entered: 11/27/2006)
11/27/2006	53	U.S. reply to defendant's sentence memorandum as to Mark K. Whitney (lsk, COURT STAFF) (Filed on 11/27/2006) (Entered: 11/28/2006)
11/29/2006	54	Receipt of file from USCA: one file and one transcript as to Mark Whitney (lsk, COURT STAFF) (Filed on 11/29/2006) (Entered: 11/29/2006)
11/29/2006	55	Minute Entry for proceedings held before Judge Phyllis J. Hamilton :Sentencing held on 11/29/2006 for Mark K. Whitney (1), Count(s) 1, sentenced on superseding charge; Count(s) 1s, Resentencing held: Committed to BOP custody 12 months and 1 day, 3 yrs supervised release with conditions. Special assessment \$100.00. Self surrender is 1/31/07. (Court Reporter Katherine Powell.) (lsk, COURT STAFF) (Filed on 11/29/2006) (Entered: 12/04/2006)
12/01/2006	56	Amended JUDGMENT in a Criminal Case as to Mark K. Whitney . Signed by Judge Phyllis J. Hamilton on 12/1/06. (lsk, COURT STAFF) (Filed on 12/1/2006) (Entered: 12/05/2006)
12/01/2006	57	Sealing Order - General Order 54 as to Mark K. Whitney. . Signed by Judge Phyllis J. Hamilton on 12/1/06. (lsk, COURT STAFF) (Filed on 12/1/2006) (Entered: 12/05/2006)
06/25/2008	<u>58</u>	Probation Jurisdiction Transferred to Southern Dist. of CA as to Mark K. Whitney Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (lsk, COURT STAFF) (Filed on 6/25/2008) (Entered: 06/27/2008)